



ALFRED POLIZZOTTO (1935-2001)  
ALFRED POLIZZOTTO III\*

EMILIO RODRIGUEZ

\*(ADMITTED NEW YORK, NEW JERSEY)

LONG ISLAND OFFICE  
1129 Northern Boulevard, Ste 404  
Manhasset, New York 11030

November 1, 2021

**VIA ELECTRONIC FILING**

The Honorable Lorna G. Schofield  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: Erdman v. Victor**  
**Index No.: 20cv4162**

Dear Judge Schofield:

This letter is written in accordance with the Civil Case Management Plan and Scheduling Order and serves as a joint status report on the case.

The parties exchanged requests for documents and interrogatories on October 4<sup>th</sup> and October 15<sup>th</sup>, respectively. The responses to the requests for documents are due November 4<sup>th</sup> and the responses to the interrogatories are due November 14<sup>th</sup>. The parties have met and conferred regarding each others productions.

Plaintiff's First Amended Complaint was dismissed via the Opinion and Order of the court dated June 17, 2021. Leave was granted for him to file a Second Amended Complaint on August 18, 2021, which he did later that day. Defendant filed a motion to dismiss the Second Amended Complaint on September 23, 2021. This motion has been fully briefed as of October 22, 2021 and currently awaits the decision of the court.

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Plaintiff on October 26<sup>th</sup> requested leave, via letter, to file a motion for sanctions against the Defendants. Defendant filed a response on October 31<sup>st</sup> and the Court ruled on the Motion on November 1, 2021.

On October 18<sup>th</sup>, Plaintiff noticed Defendant's deposition for November 17th. Defendant has stated that he is unable to appear on that date. Plaintiff requested that Defendant provide a date prior to the December 6<sup>th</sup> deposition cut-off but as of the date of this letter no date has been provided.

Additionally, Plaintiff has served four subpoenas for non-party depositions and had one issued for document production. Defendant will be moving to quash and/or modify two of them concerning two of Plaintiff's former co-workers and one to a private investigation firm that conducted investigations into Plaintiff.

Defendant will be making a letter application imminently for a pre-motion conference for those three motions to quash he anticipates making.

Plaintiff requests that the Court schedule a conference to set a date for Defendant's deposition so that it can be held before the case management plans December 6<sup>th</sup> deposition cut off.

Do not hesitate to contact us with any questions or comments.

Yours faithfully  
**Polizzotto & Polizzotto, LLC**

/s/ Alfred Polizzotto, III  
Alfred Polizzotto, III